

**INDEX OF A REGULAR MEETING  
FORT LAUDERDALE CITY COMMISSION  
OCTOBER 2, 2001**

<u>Agenda Item</u>	<u>Reso./Ord. No.</u>	<u>Page(s)</u>
OB		Presentations:
		1. Expressions of Sympathy ..... 1
		2. Smoke Detector Test ..... 2
		3. City's 2001 United Way Campaign ..... 2
		4. Awards – International Association of Business Communications Gold Coast Chapter and the Savvy Award of Excellent from the City County Communications and Marketing Association (3CMA) ..... 2
		5. Urban Search and Rescue (USAR) Team Task Force 2 ..... 2
		6. Outstanding City Employees ..... 3
OB		Tourism in Fort Lauderdale ..... 3
CA		Consent Agenda ..... 3
M-1		Event Agreement – World AIDS Day Candlelight Vigil ..... 4
M-2		Event Agreement – “Animal Swim” (Swim Race to Benefit Wildlife Care Center) ..... 4
M-3		Event Agreement – Third Annual Get Downtown Office Party ..... 4
M-4		Event Agreement – Florida Skate 400K ..... 4
M-5		Event Agreement – St. Jerome Harvestfest ..... 5 & 11
M-6		Event Agreement – 21 <sup>st</sup> Annual Feast of Plenty ..... 5
M-7		Event Agreement – 30 <sup>th</sup> Annual Winterfest Boat Parade ..... 5 & 11
M-8		Event Agreement – America Comes Together ..... 6
M-9		Agreement – Broward County – FY 2001/2002 FLASH After School Program ..... 6
M-10		Dock Lease Agreement – Winston Knauss (d/b/a Sir Winston Luxury Yachts) ..... 6 & 11
M-11		Dock Lease Agreement – Marine Hospitality, Inc. (d/b/a Anticipation Yacht Charters) ..... 6 & 11
M-12		Dock Lease Agreement – Carfi Enterprises, Inc. .... 7 & 11
M-13		Dock Lease Agreement – Harbour Tours, Inc. .... 7 & 11
M-14		Dock Lease Agreement – Sightseeing Cruises, Inc. (d/b/a Lady Lucille Cruises) ..... 7 & 11
M-15		Dock Lease Agreement – Searock, Inc. (d/b/a Allied Marine Group) ..... 7
M-16		Agreement – CH2M Hill, Inc. – Project 10365 – Program Management Services – Ten-Year Water and Wastewater Master Plan ..... 7
M-17		Task Order No. 1 – CH2M Hill, Inc. – Project 10365 – Program Management Services – Ten-Year Water and Wastewater Master Plan ..... 8 & 12
M-18	Deleted	Change Order No. 1 – AKA Services, Inc. – Project 9393 – Utilities Replacement at Cordova Road/ Lauderdale Harbours Area ..... 8
M-19		Change Order No. 5 – Man-Con, Inc. – Project 10335 – Replacement of Plug Valve at G. T. Lohmeyer Wastewater Treatment Plant ..... 8

Index of a Regular Meeting  
October 2, 2001  
Page Two

<u>Agenda Item</u>	<u>Reso./Ord. No.</u>		<u>Page(s)</u>
M-20		Contract Award – Molloy Brothers, Inc. – Project 10395 – Water Main Offset on S.W. 4 Avenue, Between S.W. 25 Street and S.W. 28 Street .....	9
M-21		Contract Award – Weekley Asphalt Paving, Inc. – Project 10274 – Annual Contract (FY 2000/2001) Street Repair and Restoration .....	9
M-22		Acceptance of Donation – 2002 Honda TRX350FM ATV – Lauderdale Beach Homeowners Association .....	9 & 11
M-23		Lien Settlements – Special Master and Code Enforcement Board Cases .....	13
Pur. 1		Proprietary Purchase – Repair/Replacement of Ozone Generating Machines .....	10
Pur. 2		Increased Expenditure for Sludge Hauling Contract .....	10
Pur. 3		Bid – 312-8487 Signage for Holiday Park Phase II .....	10
PH-1	C-01-46	Vacate a Portion of North/South Alley – Home Depot USA, Inc. (PZ Case No. 6-P-01) .....	14
CP		Citizen Presentations: 1. Mr. Michael Kasten .....	16
		2. Mr. Randall Powell .....	17
O-1	Deferred	Amend Chapter 25 – “Streets and Sidewalks” – Cable Television Systems – Compliance with Florida Communications Services Tax Simplification Law .....	18
O-2	Deferred	Amendment to the Pay Plan – Pay Range Amounts for Schedules I and II (Nonbargaining Unit Employees) .....	19
O-3	C-01-44	Amendment to the Pay Plan .....	19
O-4	C-01-45	Amend Ordinance No. C-97-21 – Broward County Homeless Assistance Center – Amendment to Day Care and Change of Submittal Date for Annual Report (PZ Case No. 34-R-97) .....	19
O-5	C-01-47	Amendment to Chapter 20 – General Employees Retirement System – Deferred Retirement Option Plan (DROP) .....	20
R-1	01-176	Maintenance Memorandum of Agreement – Florida Department of Transportation (FDOT) – Landscaping Improvements on the Northeast Corner of East Las Olas Boulevard at Plaza Las Olas .....	21
R-2	01-177	Intent to Lease Public Property – Fort Lauderdale Historical Society – Inc. – Historic District Properties .....	21
R-3	01-178	Plat Approval – “Home Depot-Fort Lauderdale” Plat – Home Depot USA, Inc. (PZ Case No. 33-P-00) .....	22
R-4	01-179	Plat Approval – “Conway Industrial Parcel” Plat – William C. and Eleanor Conway (PZ Case No. 21-P-01) .....	22
R-5	01-180	Project 9295 – N.W. 7 <sup>th</sup> /9 <sup>th</sup> Avenue Connector – Project Development and Environment (PD&E) Study – Selection of Preferred Alternative (Alternative “D”, Four-Lane, East Alignment) .....	23

Index of a Regular Meeting  
October 2, 2001  
Page Three

<u>Agenda Item</u>	<u>Reso./Ord. No.</u>		<u>Page(s)</u>
R-6	01-181	Building Board-Up and Securing Charges .....	24
R-7	01-182	Demolition of Buildings .....	24
R-8	01-183	Appeal of Planning & Zoning Board Decision Denying Right-of-Way Vacations – Portions of S.E. 2 Avenue, S.E. 1 Avenue, S.W. 7 Street, S.E. 6 Court, and S.E. 3 Avenue – E. Fredrico Fazio (PZ Case Nos. 14-P-01, 15-P-01, 17-P-01, 19-P-01 and 20-P-01) .....	25
R-9		Appeal of Planning & Zoning Board Decision Denying Right-of-Way Vacations – Portions of S.E. 5 Avenue and S.E. 5 Terrace – William R. Scherer (PZ Case Nos. 12-P-01 and 13-P-1) .....	27
OB	01-184	Advisory Board Appointments .....	27

**MINUTES OF A REGULAR MEETING  
CITY COMMISSION  
FORT LAUDERDALE, FLORIDA  
OCTOBER 2, 2001**

Meeting was called to order at 6:05 P.M. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

Present: Commissioner Tim Smith  
Commissioner Carlton B. Moore  
Commissioner Cindi Hutchinson  
Commissioner Gloria Katz  
Mayor Jim Naugle

Absent: None

Also Present:	City Manager	F. T. Johnson
	City Attorney	Dennis E. Lyles
	City Clerk	Lucy Masliah
	Sergeant At Arms	Sergeant Schendel

Invocation was offered by *Dr. H. Nathan Charles*, First Baptist Church of Fort Lauderdale.

Pledge of Allegiance to the Flag.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson that the agenda and minutes of the meeting as shown below be approved:

Regular Meetings	September 5, 2001 and September 20, 2001; and
Special Meeting	September 12, 2001

Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle.  
NAYS: none.

Note: All items were presented by Mayor Naugle unless otherwise shown, and all those desiring to be heard were heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB" (Other Business).

**Presentations ..... (OB)**

1. Expressions of Sympathy

Mayor Naugle read aloud and presented Expressions of Sympathy to the families of *Christopher Michael Bronson* and *Reverend Maurice A. Dawkins*.

2. Smoke Detector Test

Commissioner Smith demonstrated the proper method of testing the batteries in a smoke detector and encouraged everyone at home to do the same.

3. City's 2001 United Way Campaign

The *City Manager and City Clerk* joined the Mayor and City Commission in kicking off the official 2001 United Way Campaign. The City Manager stated that this community was beginning to feel the "ripple effect" of the September 11<sup>th</sup> tragedy as many local businesses had experienced a reduction in demand for goods and services, forcing them to implement lay-offs. The City Clerk said that in addition to the recent impact, it was important to note that over 65,000 calls came through the United Way Crisis Hotline last year. She reported that over 60,000 children lived in poverty in Broward County today, and the total teenage population was expected to triple over the next decade.

The City Manager stated that contributions to the United Way represented "help that hit home." The City of Fort Lauderdale had been the top-contributing municipality in Broward County during the last United Way Campaign, and \$.85 of every \$1 donated was directly invested in the community, with only 15% administrative and overhead costs. He reported that 107 programs had been funded in Broward County by the United Way, through 62 agencies, last year.

The City Clerk reported that City employees and officials had raised over \$92,000 for the United Way last year. This year, the challenge was to raise \$100,000. She felt that giving to the United Way was a wonderful way to help in rebuilding the nation, one community at a time. The City Clerk introduced the United Way representatives from each department, who distributed pledge cards and recognized those who had headed up last year's campaign. The City Manager presented a plaque of appreciation for that very successful effort to Police Chief Bruce Roberts. Mayor Naugle also offered congratulations to Chief Roberts who had been sworn in as the new Police Chief this afternoon.

4. Awards - International Association of Business Communications Gold Coast Chapter and the Savvy Award of Excellence from the City County Communications and Marketing Association (3CMA)

The City Manager presented to the Mayor and City Commission three awards won by the City as follows:

- a) *Building a Better Community* – The City of Fort Lauderdale Annual Report Award of Excellence – highest award given for annual reports;
- b) *Preparing our Future Leaders* – Education in the City of Fort Lauderdale Award of Merit – special publications; and
- c) *Savvy Award of Excellence in Service Delivery* given by the City County Communications and Marketing Association - marketing of Bark Park

5. Urban Search and Rescue (USAR) Team Task Force 2

*Fire Chief Otis Latin* introduced members of the City's USAR team deployed to New York City to assist in the aftermath of the September 11, 2001 terrorist attacks against America:

Division Chief Stephen McInerney  
Battalion Chiefs John Molenda and Robert Hoecherl  
Lieutenants Douglas Levalley and Richard Seabrook  
Driver-Engineer Charles Frank

The Fire Chief also commended the community, which had contributed about \$178,000 for the relief effort. Division Chief McInerney stated that although the original intent had been a rescue operation, the rescue teams had been unable to bring out any survivors. He hoped everyone would be supportive of Firefighters and Police Officers in the days to come, and he felt the real heroes had been those who had paid the ultimate price on September 11, 2001. Mayor Naugle expressed appreciation to the members of the team and hoped the lessons they had learned in New York would never be necessary here.

6. Outstanding City Employees

The City Manager introduced department directors who recognized the following outstanding City employees as:

- Mike Horn, of the Community & Economic Development Department;
- Ralph “Wendy” Watts, Scott Sawyer, Jim Ferruso, and Donnell Cunningham, of the Public Services Department; and
- Officer Kenneth Kelley and Victim Advocate Mozell Battle, of the Police Department.

**OB – Tourism in Fort Lauderdale**

Mayor Naugle advised that the Commission had discussed how this community was recovering from the national tragedy, and many people were facing very difficult situations with all the lay-offs and loss of business, particularly in the tourist industry. He reported that an agreement had been made to launch a campaign in Fort Lauderdale to get the tourism industry rolling again. Mayor Naugle pointed out that everyone had friends or relatives who lived out of town or out of State, and he encouraged them all to invite those individuals to come and visit to help the local economy. He reported that the City Commissioners had all agreed to spend the weekend on the beach and urged residents to do so as well. Mayor Naugle added that Commissioner Smith was also working with the merchants on an ongoing effort.

Commissioner Smith described some of the promotional programs and events that were planned over the next weeks and months, including “Lauderdeals” in which hotel rooms would be discounted. He asked everyone to help.

**Consent Agenda ..... (CA)**

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

**Event Agreement – World AIDS Day Candlelight Vigil ..... (M-1)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Parents Information and Resource Center, Inc.** to indemnify, protect, and hold harmless the City from any liability in connection with the **World AIDS Day Candlelight Vigil** to be held **Saturday, December 1, 2001 from 4:00 p.m. to 7:00 p.m.** at the Esplanade.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 01-1488 from City Manager.

---

**Event Agreement – “Animal Swim” (Swim Race to Benefit Wildlife Care Center) ..... (M-2)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Florida Gold Coast Masters** to indemnify, protect, and hold harmless the City from any liability in connection with the **“Animal Swim”** to be held **Sunday, November 18, 2001 from 8:30 a.m. to 12:30 p.m.** in the ocean off of Fort Lauderdale beach.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 01-1487 from City Manager.

---

**Event Agreement – Third Annual Get Downtown Office Party ..... (M-3)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **Riverwalk Fort Lauderdale Inc.** to indemnify, protect, and hold harmless the City from any liability in connection with the **Third Annual Get Downtown Office Party** to be held **Thursday, October 25, 2001 from 5:00 p.m. to 11:00 p.m.**; and further authorizing the closing of S.W. 2 Street from S.W. 2 Avenue to the west side of the Lord Nelson Pub (320 S.W. 2 Street) from 2:00 p.m. Thursday, October 25 to 1:00 a.m. Friday, October 26, 2001.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 01-1483 from City Manager.

---

**Event Agreement – Florida Skate 400K ..... (M-4)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **Style Ventures, Inc.** to indemnify, protect, and hold harmless the City from any liability in connection with the **Florida Skate 400K**, which will begin in Daytona Beach on November 10, 2001 and end in Fort Lauderdale on **Saturday, November 17, 2001.**

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 01-1473 from City Manager.

---

**Event Agreement – St. Jerome Harvestfest ..... (M-5)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **St. Jerome Catholic School** to indemnify, protect, and hold harmless the City from any liability in connection with the **St. Jerome Harvestfest** to be held **Wednesday, October 31, 2001 and Thursday, November 1, 2001 from 6:00 p.m. to 10:00 p.m.; Friday, November 2, 2001 from 6:00 p.m. to 11:00 p.m.; Saturday, November 3, 2001 from 1:00 p.m. to 11:00 p.m.; and Sunday, November 4, 2001 from 1:00 p.m. to 10:00 p.m.** on Church property; and further authorizing the closing of S.W. 26 Street from S.W. 9 Avenue west to the 1000 block (approximately one-quarter mile) from 8:00 a.m. Monday, October 29 to 12:00 noon Monday, November 5, 2001.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-1472 from City Manager.

---

**Event Agreement – 21<sup>st</sup> Annual Feast of Plenty ..... (M-6)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **First Baptist Church** to indemnify, protect, and hold harmless the City from any liability in connection with the **21<sup>st</sup> Annual Feast of Plenty** to be held **Saturday, November 10, 2001 from 11:30 a.m. to 1:30 p.m.**; and further authorizing the closing of East Broward Boulevard from 3 Avenue to Federal Highway (U.S. 1) from 12:01 a.m. (one minute past midnight) to 5:00 p.m.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-1471 from City Manager.

---

**Event Agreement – 30<sup>th</sup> Annual Winterfest Boat Parade ..... (M-7)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **Winterfest** to indemnify, protect, and hold harmless the City from any liability in connection with the **30<sup>th</sup> Annual Winterfest Boat Parade** to be held **Saturday, December 15, 2001 from 5:30 p.m. to 11:30 p.m.** on the Intracoastal Waterway; authorizing the placement of portable sanitation facilities; and further authorizing Winterfest to place souvenir merchandise, food and nonalcoholic beverage stands on the east and west sides of the following bridges: S.E. 17 Street Causeway (E. Clay Shaw, Las Olas Boulevard, Sunrise Boulevard, Oakland Park Boulevard, and Commercial Boulevard.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-1431 from City Manager.

---



**Event Agreement – America Comes Together ..... (M-8)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Clear Channel World Wide Fund** to indemnify, protect, and hold harmless the City from any liability in connection with **America Comes Together** to be held **Monday, October 8, 2001 from 12:00 noon to 5:00 p.m.** at Esplanade; and further authorizing the closing of S.W. 4 Avenue from south of the entrance to the back parking lot at the old Post Office site to the cul-de-sac at Riverwalk from 8:00 a.m. to 8:00 p.m.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-1531 from City Manager.

---

**Agreement – Broward County – FY 2001/2002 FLASH After School Program..... (M-9)**

A motion authorizing the proper City officials to execute an agreement with Broward County for a grant in the amount of \$50,000 for the FY 2001/2002 FLASH After School Program; and further authorizing the proper City officials to execute all documents necessary to accept such grant funds.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-1529 from City Manager.

---

**Dock Lease Agreement – Winston Knauss (d/b/a Sir Winston Luxury Yachts) ..... (M-10)**

A motion authorizing the proper City officials to execute a lease agreement with Winston Knauss (d/b/a Sir Winston Luxury Yachts) for dockage on the New River (slip numbers 77 and 78), and day and evening charter tour operations, for a term of October 1, 2001 through September 30, 2002.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-1399 from City Manager.

---

**Dock Lease Agreement –  
Marine Hospitality, Inc. (d/b/a Anticipation Yacht Charters) ..... (M-11)**

A motion authorizing the proper City officials to execute a lease agreement with Marine Hospitality, Inc. (d/b/a Anticipation Yacht Charters) for dockage on the New River (slip numbers 55, 56, 57 and 58), and day and evening charter tour operations, for a term of October 1, 2001 through September 30, 2002.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-1396 from City Manager.

---

**Dock Lease Agreement – Carfi Enterprises, Inc. ..... (M-12)**

A motion authorizing the proper City officials to execute a lease agreement with Carfi Enterprises, Inc. for dockage on the New River (slip numbers 40, 41, 42, 80 and 81), and day and evening sightseeing and charter tour operations, for a term of October 1, 2001 through September 30, 2002.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-1397 from City Manager.

---

**Dock Lease Agreement – Harbour Tours, Inc. ..... (M-13)**

A motion authorizing the proper City officials to execute a lease agreement with Harbour Tours, Inc. for dockage on the New River (slip numbers 75, 76, 82, 83 and 84), and day and evening sightseeing and charter tour operations, for a term of October 1, 2001 through September 30, 2002.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-1438 from City Manager.

---

**Dock Lease Agreement –  
Sightseeing Cruises, Inc. (d/b/a Lady Lucille Cruises) ..... (M-14)**

A motion authorizing the proper City officials to execute a lease agreement with Sightseeing Cruises, Inc. (d/b/a Lady Lucille Cruises) for dockage on the New River (slip numbers 72 and 73), and day and evening charter tour operations, for a term of October 1, 2001 through September 30, 2002.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-1398 from City Manager.

---

**Dock Lease Agreement – Searock, Inc. (d/b/a Allied Marine Group) ..... (M-15)**

A motion authorizing the proper City officials to execute a lease agreement with Searock, Inc. d/b/a Allied Marine Group for 650 lineal feet of dockage on the New River (slip numbers 1-6 and 7-14) for a term of October 1, 2001 through September 30, 2002.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-1486 from City Manager.

---

**Agreement – CH2M Hill, Inc. – Project 10365 –  
Program Management Services - Ten-Year Water and Wastewater Master Plan ..... (M-16)**

A motion authorizing the proper City officials to execute an agreement with CH2M Hill, Inc. for provision of program management services in conjunction with the implementation of the City's ten-year Water and Wastewater Master Plan. (Also see Item M-17 on this Agenda)

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-1385 from City Manager.

---

**Task Order No. 1 - CH2M Hill, Inc. – Project 10365 –  
Program Management Services - Ten-Year Water and Wastewater Master Plan ..... (M-17)**

A motion authorizing the proper City officials to execute Task Order No. 1 with CH2M Hill, Inc. in the amount of \$862,472 initial program management services in conjunction with the implementation of the City's ten-year Water and Wastewater Master Plan. (Also see Item M-16 on this Agenda)

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-1386 from City Manager.

---

**Change Order No. 1 – AKA Services, Inc. –  
Project 9393 – Utilities Replacement at  
Cordova Road/Lauderdale Harbours Area ..... (M-18)**

A motion authorizing the proper City officials to execute a final adjusting Change Order No. 1 with AKA Services, Inc. in the amount of \$73,096.50 for additional work done under the utilities replacement at Cordova Road/Lauderdale Harbours area project.

**Funds:** See Change Order

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-1393 from City Manager.

---

**Change Order No. 5 – Man-Con, Inc. – Project 10335 -  
Replacement of Plug Valve at G. T. Lohmeyer Wastewater Treatment Plant ..... (M-19)**

A motion authorizing the proper City officials to execute Change Order No. 5 with Man-Con, Inc. in the amount of \$93,600 for the replacement of an eight-inch plug valve at the G. T. Lohmeyer Wastewater Treatment Plant.

**Funds:** See Change Order

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-1384 from City Manager.

---

**Contract Award – Molloy Brothers, Inc. – Project 10395 –  
Water Main Offset on S.W. 4 Avenue, between  
S.W. 25 Street and S.W. 28 Street ..... (M-20)**

A motion authorizing the proper City officials to execute an agreement with Molloy Brothers, Inc. in the amount of \$152,260 for a water main offset on S.W. 4 Avenue between S.W. 25 Street and S.W. 28 Street.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-1513 from City Manager.

---

**Contract Award – Weekley Asphalt Paving, Inc. –  
Project 10274 – Annual Contract (FY 2000/2001) Street Repair and Restoration ..... (M-21)**

A motion authorizing the proper City officials to execute an agreement with Weekley Asphalt Paving, Inc. in the approximate amount of \$532,500 for the annual contract (FY 2000/2001) street repair and restoration.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-1388 from City Manager.

---

**Acceptance of Donation –  
2002 Honda TRX350FM ATV – Lauderdale Beach Homeowners Association ..... (M-22)**

A motion accepting the donation of a 2002 Honda TRX350FM ATV from the Lauderdale Beach Homeowners Association for use by Police detail officers to patrol the Association's beach area.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 01-1343 from City Manager.

---

## PURCHASING AGENDA

### **Proprietary Purchase– Repair/Replacement of Ozone Generating Machines ..... (Pur-1)**

An agreement for the repair/replacement of ozone generating machines is being presented for approval by the Public Services Department.

Low Responsible Bidder: Trio3 Industries, Inc.  
Ft. Pierce, FL  
Amount: \$ 18,317.32  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 01-1432 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to approve the proprietary purchase.

---

### **Increased Expenditure for Sludge Hauling Contract ..... (Pur-2)**

An agreement for increased expenditure for the sludge-hauling contract is being presented for approval by the Public Services Department.

Low Responsible Bidder: Azurix North America  
Punta Gorda, FL  
Amount: \$ 1,200,000.00  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 01-1400 from City Manager

The Purchasing Division recommends approval for additional expenditures.

---

### **Bid – 312-8487 Signage for Holiday Park Phase II ..... (Pur-3)**

An agreement to purchase and install signage for Holiday Park Phase II improvements is being presented for approval by the Public Services/Engineering.

Low Responsible Bidder: SignCo/Sign Craft, Inc.  
Amount: \$ 48,386.00  
Bids Solicited/Rec'd: 88/3 with 2 no bids  
Exhibits: Memorandum No. 01-1284 from City Manager

The Purchasing Division recommends award to the low responsive and responsible bidder.

---

Mayor Naugle announced that **Item M-18** had been deleted from the Consent Agenda and would not be heard this evening.

**Motion** made by Commissioner Smith and seconded by Commissioner Moore that Consent Agenda Item Nos. M-5, M-7, M-10, M-11, M-12, M-13, M. 14, and M-17 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda Items be approved as recommended. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Mayor Naugle acknowledged the gift from the Lauderdale Beach Homeowners' Association, (**Item M-22**) which had donated a Honda ATV for use by police officers on the beach. He expressed appreciation to the neighborhood on behalf of the City Commission.

**Event Agreement – St. Jerome Harvestfest ..... (M-5)**

Commissioner Hutchinson announced a conflict of interest and her intention to abstain from voting on this item. Mayor Naugle encouraged everyone to attend the Harvestfest, and Commissioner Hutchinson announced that the Fabulons would perform Friday night with fireworks afterwards.

**Motion** made by Commissioner Moore and seconded by Commissioner Smith that Consent Agenda Item No. M-5 be approved as recommended. Roll call showed: YES: Commissioners Katz, Smith, Moore, and Mayor Naugle. NAYS: none. Commissioner Hutchinson abstained.

**Event Agreement – 30<sup>th</sup> Annual Winterfest Boat Parade ..... (M-7)**

Commissioner Smith was excited about this year's Winterfest Boat Parade, which would start on December 15, 2001 – the first day of the tourism season. *Ms. Lisa Scott-Founds*, of Winterfest, announced that Donald Trump would be the Grand Marshal this year, which was the 30<sup>th</sup> anniversary of the event. She advised that the theme would be "On the River of Dreams."

**Motion** made by Commissioner Moore and seconded by Commissioner Smith that Consent Agenda Item No. M-7 be approved as recommended. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

**Dock Lease Agreement – Winston Knauss (d/b/a Sir Winston Luxury Yachts) ..... (M-10)**

**Dock Lease Agreement – Marine Hospitality, Inc.**

**(d/b/a Anticipation Yacht Charters) ..... (M-11)**

**Dock Lease Agreement – Carfi Enterprises, Inc. .... (M-12)**

**Dock Lease Agreement – Harbour Tours, Inc. .... (M-13)**

**Dock Lease Agreement – Sightseeing Cruises, Inc. (d/b/a Lady Lucille Cruises) .... (M-14)**

Commissioner Hutchinson was concerned about parking in connection with these leases. She did not see any agreements for parking with any of the garages nearby. Mr. Jamie Hart, Supervisor of Marine Facilities, stated that these docks were actually in a parking-exempt area, but parking needs had been met for the tour operators through use of some bank properties and the New River Centre.

Mayor Naugle said he had spoken with Mr. Doug Eagon about this issue, and he seemed agreeable to making parking available in some of the private garages in the area. He pointed out that peak periods for tour boats was weekends and evenings, and he believed something could be worked out. Nevertheless, he agreed with Commissioner Hutchinson that it would be nice to know parking had been addressed.

Commissioner Hutchinson thought some sort of agreement would have been reached prior to these items being presented for Commission approval so the tour boat customers had places to park. Mr. Hart said staff shared this concern, and he had contacted the tour boat operators even though they were in a parking-exempt area under the Code. Mayor Naugle volunteered to set up a meeting with representatives of the tour boats and the parking garages to reach agreement to accommodate the tour passengers.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Smith that Consent Agenda Item No. M-10, M-11, M-12, M-13 and M-14 be approved as recommended. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

**Task Order No. 1 – CH2M Hill, Inc. – Project 10365 –  
Program Management Services – 10-Year Water and  
Wastewater Master Plan ..... (M-17)**

Commissioner Smith said he had pulled this item from the Consent agenda so Mr. Kisela could provide further explanation. Mr. Greg Kisela, Assistant City Manager, explained that this involved the 20-year Water and Sewer Master Plan at a cost of \$555 million. He advised that two-thirds of the monies would be spent in the first decade, and it involved a significant planning effort. Commissioner Smith asked when the citizenry would see work started. Mr. Kisela said his staff was committed to be laying sewer pipes by this time next year.

Commissioner Moore was very proud that this Commission had agreed to “step up to the plate” to sewer all areas in the City. Commissioner Smith agreed this was a major effort, and he wanted everyone to keep a close eye on the project so citizens were not inconvenienced too greatly. Mr. Kisela noted that offices would be located within the communities where work was being done to provide public access, and information would be available on the Internet as well. Mayor Naugle believed people should be able to “click” on an area to obtain start and end dates for the construction in light of the City’s GIS system. Mr. Kisela agreed that was the plan and added that computers would be placed in some of the City’s parks facilities to provide access to those who did not have computers.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson that Consent Agenda Item No. M-17 be approved as recommended. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

## MOTIONS

Those matters included under the Motions category differ from the Consent Agenda in that items will be voted on individually. In addition, presentations will be made on each motion item if so desired.

### **Lien Settlements – Special Master and Code Enforcement Board Cases ..... (M-23)**

A motion authorizing proposed settlements for the following Special Master and Code Enforcement Board cases:

1. CE00060426 – Richard Krigel, 409 S.W. 11 Street (\$915)
2. CE00121378 – Castlewood Realty Company, Inc., 2600 Davie Boulevard (\$900)
3. CE00121123 – Tahir Ilahi Malik, 1012 S.W. 15 Terrace (\$4,965)
4. CE99120464 – Helene Kafka, 3117 N.E. 42 Street (\$5,040)
5. CE98121180 – DLL Consulting, Inc., 1224 N.W. 3 Street (\$8,900)
6. CE99090962 – Robert A. Fitzgerald, 915 S.W. 2 Court (\$1,515)
7. 9516302 – Daisy M. Swilley, 623 N.W. 15 Way (\$1,975)
8. CE00011594 – Amoco Oil Company, 1785 East Sunrise Boulevard (\$855)
9. CE00050190 – Jerome L. Tepps, 1115 N.E. 5 Avenue (\$2,100)
10. CE99121084 – Jay Allan Fields and Leslie C. Fields, 1549 S.E. 12 Court (\$2,400)
11. CE99120726 – United Pathway Foundation, 480 S.W. 28 Way (\$2,950)
12. CE00061289 – Cavese Laval Williams, 515 N.W. 20 Avenue (\$1,328)
13. CE01040831 – Sixth Street Corporation, 1448 N.W. 6 Street (\$1,512.50)
14. CE99120214 – Richard M. Kaiser & Margie C. Kaiser, 3541 S.W. 21 Street (\$3,420)
15. CE98100509 – Nelson Aquilar and Irma Aguilar, 1520 S.W. 4 Avenue (\$1,530)
16. CE99010158 – John R. Gettinger, 629 N.W. 7 Avenue (\$15,000)
17. CE00040796 – James H. and Maria Batmasian, 275 S.W. 27 Avenue (\$1,237.50)
18. CE98120396 – Daniel Rodriguez and Cecelia Rodriguez, 680 S.W. 27 Avenue (\$3,615)

4. CE99120464 – Helene Kafka, 3117 Northeast 42<sup>nd</sup> Street (\$5,040)

*Mr. Peter Kafka*, representing his mother, explained that she was 78 years old and resided in New Jersey. Commissioner Smith said that Mr. Kafka was his Assistant Coach on his flag football team, but he did not feel there was any conflict of interest. He stated his mother had been cited for a Sears shed erected without a permit. She had ultimately been fined \$35,000 because Mr. Kafka had not been able to secure a permit for 6 months. Commissioner Smith recommended that the entire fine amount be abated.

Commissioner Moore asked if the City had incurred any expenses in bringing this case into compliance. Mr. John Simmons, Community Inspections Supervisor, advised that the expense had been minimal, ranging from \$200 to \$250.

**Motion** made by Commissioner Smith and seconded by Commissioner Katz to settle Case No. CE99120464 in the amount of \$200.00. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.



**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to authorize the lien settlement for the Special Master and Code Enforcement Board cases as recommended and/or amended by the Commission. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

At 6:52 p.m., the Regular meeting was recessed. It was reconvened at 8:50 P.M.

**Vacate a Portion of North/South Alley -**  
**Home Depot USA, Inc. (PZ Case No. 6-P-01) ..... (PH-1)**

At the Planning and Zoning regular meeting of August 15, 2001, it was recommended by a vote of 7 to 0 that the following application be approved. Notice of the public hearing was published on September 20 and 27, 2001. (Also see Item R-3 on this Agenda)

Applicant: Home Depot USA, Inc.  
Request: Vacate a portion of north/south alley  
Location: Alley south of East Sunrise Boulevard, between N.E. 3 Avenue and N.E. 4 Avenue

Mayor Naugle called for those who wished to be heard.

*Ms. Margery Anderson* supported this vacation. She believed this would be good for the neighborhood and for the City.

*Mr. Michael Kasten*, President of Poinsettia Heights, urged the Commission to support this ordinance. He felt this was a "piece of the puzzle" that was imperative.

*Ms. Nina Randall*, President of the Middle River Homeowners' Association, reported that the neighborhood was impressed by this project, which would benefit the community and Fort Lauderdale as a whole.

*Ms. Bunny Brennerman*, Chair of the 13<sup>th</sup> Street Area Business Association, said that this Association was ready to welcome Home Depot to the area and the Association, and this was one of 16 preferences identified during the voting on the CAP Initiative.

*Mr. Camille Miguel* supported Home Depot as a member of the community.

*Mr. Randall Clapp*, 1226 Northeast 4<sup>th</sup> Avenue, encouraged the Commission to support this vacation and other related requests so this would happen.

*Mr. Ted Fling*, President of the Victoria Park Civic Association, said that many people welcomed a Home Depot in the neighborhood and hoped it would come soon.

*Ms. Mickey Keller*, immediate past President of Middle River Terrace, pointed out that Home Depot would be generating many jobs, and they wanted to hire people who lived within a 2-mile radius.

*Ms. Barbara Cardinal*, Vice-President of Middle River Terrace, fully supported this endeavor.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson to close the public hearing. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Commissioner Hutchinson said she had met with Robert Lochrie in this regard, and she recalled that there had been some issue involving the Florida Department of Transportation (FDOT) that required some clarification. *Mr. Robert Lochrie*, representing Home Depot, stated that in addition to the plat approval, the Planning & Zoning Board had requested that the applicant seek a variance from FDOT to allow access in all directions off 4<sup>th</sup> Avenue. He advised that another alternative had been found to keep all the truck traffic off 11<sup>th</sup> Street, which was something the Board would review on October 17, 2001 in connection with the site plan review.

Commissioner Moore said he shopped at a Home Depot on Oakland Park Boulevard that was adjacent to a residential community. He hoped this site would be much more compassionate in terms of its neighbors than the store he frequented. Commissioner Moore planned to support this vacation, but he would be watching the project closely because of what was happening in the other location.

Commissioner Smith advised that the residential area surrounding the Home Depot on Oakland Park Boulevard had always been the most troubled neighborhood in his district. He did not think it was necessarily appropriate for residential use any longer, and he might come to the Commission in the future about rezoning that entire area for reasonable commercial use.

Commissioner Smith introduced the following ordinance on first reading:

ORDINANCE NO. C-01-46

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF THE 15 FOOT ALLEY IN BLOCK 214, "PROGRESSO", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BOUNDED ON THE NORTH BY THE SOUTH RIGHT-OF-WAY LINE OF EAST SUNRISE BOULEVARD AND BOUNDED ON THE SOUTH BY A LINE PARALLEL WITH AND 176.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES, SAID SOUTH RIGHT-OF-WAY LINE OF EAST SUNRISE BOULEVARD, SAID ALLEY RUNNING NORTH TO SOUTH AND LOCATED BETWEEN NORTHEAST 3<sup>RD</sup> AVENUE AND NORTHEAST 4<sup>TH</sup> AVENUE, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

---

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

**Citizen Presentations ..... (CP)**

1. Mr. Michael Kasten, President, Council of Fort Lauderdale Civic Associations

Mayor Naugle introduced Mr. Kasten. Mr. Kasten expressed appreciation for the wonderful support in making the Council a strong organization. When he had come to the Commission in April, he had not presented a list of goals and promises for the future because he believed actions spoke louder than words. However, he had reported that there would be major changes in the Council, and he recalled that the Commission had been very interested in reviving the organization.

Mr. Kasten said that in the past six months, he had met with the individual Commissioners who had taken an active role in helping him increase interest in membership, and he was proud to report that membership had grown from 16 to 40 members in good standing. He announced that a five-page web site had been created that provided a lot of important civic information, and this was another source of information for people who wanted to move to Fort Lauderdale. Mr. Kasten stated that 9 working committees had been created to further the Association's purpose, and they had been instrumental in garnering the National League of Cities' Institute for Youth Education and Families Municipal Education Leadership Grant.

Mr. Kasten stated that he was most proud of the Las Olas street closure issue that had been tackled. He reported that the Association had tried to educate its members by sponsoring a workshop on the City budget, and a bus tour was being planned so everyone had a good idea of the true landscape of the City of Fort Lauderdale. Mr. Kasten said that the Board of Directors had been expanded to include four more seats, making involvement at that level more available, and they were continuing to examine the bylaws. Further, a membership committee had been formed to ensure that all members of the Council observed the membership guidelines.

Commissioner Hutchinson said she had known when she'd attended the first meeting, she was committed to convincing the Commission to provide all the support necessary. She had never been more proud of an organization than she was of the Council, and she felt it had gone to the next level under Mr. Kasten's enthusiasm and leadership. Commissioner Hutchinson felt this was now a group that truly represented the neighborhoods in Fort Lauderdale.

Mayor Naugle thanked Mr. Kasten for his help with the service that had been held recently at Holiday Park. Commissioner Moore agreed the candlelight vigil had shown that Mr. Kasten could mobilize people quickly.

Commissioner Moore noted that there were a number of civic associations that had encroaching boundaries. He asked how the Council planned to solidify or remove entities that were not representative of neighborhoods. Mr. Kasten advised that the bylaws were very clear as to what membership entailed for both standing and future members. He stated that the bylaws did not allow two different organizations within the same boundaries to be afforded membership in the Council. Mr. Kasten explained that the bylaws allowed two entities to "duke it out" for a year and, if no resolution was reached, the original association would be given membership.

Mayor Naugle understood that the original association would be the first that had paid dues to the Council and participated in the process. He added that the Commission had received a letter about the policies. Commissioner Hutchinson said that these “splinter groups” had been one reason why she had wanted the Council to be reactivated originally, and she believed the issue would be raised by the City Manager at an October meeting. Commissioner Moore had received the letter, but he desired a clearer interpretation of the term “original association.” Mr. Kasten agreed to provide a report.

## 2. Mr. Randall Powell

Mr. Powell, of 4607 Northwest 46<sup>th</sup> Street, said he was seeking some mercy and understanding in a difficult situation. He explained that in spite of contrary advice, he had decided to invest in a property at 737 Northwest 20<sup>th</sup> Avenue, Liberty Park. Mr. Powell had waited patiently to ensure there had been no liens on the property, and then he had closed on the property and started to make repairs. He stated that he had learned about two minor violations, but the title company had given him the “go ahead.”

Mr. Powell reported that an Architect had been hired to prepare plans for permits to rehabilitate the property, and two months later the City had ordered demolition of the building. He had been told not to appear before the Commission without legal representation. Mr. Powell had spoken to City staff and indicated he would cause the demolition himself, and he had applied for a demolition permit. At that time, he had been told he would have 180 days to do the work, but then he received notice that the building had been demolished along with a bill.

Mayor Naugle asked Mr. Powell what he was requesting. Mr. Powell was not sure. He said he could not pay the demolition bill because he had been investing in other arrangements. Mayor Naugle did not know what the Commission could do about this now since the taxpayers had already footed the bill for the demolition and should be compensated. Mr. Powell stated that he was paying the mortgage and taxes on a building that had been demolished, and he had paid various professionals to address the necessary work.

Commissioner Moore said the City had made a mistake and demolished a home improperly in the past. He asked if this owner had been given 90 or 180 days to demolish his property himself only to have the City demolish it anyway. Mr. John Smith, Building Official, advised that some applications had been made and a plan submitted, but it had never made it out of zoning in terms of repair of the structure. He explained that the residence was located in B-3 zoning, and there was structural damage. Mr. Smith said that once structural damage had exceeded 50%, this non-conforming use could not be continued. He advised that the property owner had not conducted the necessary follow-up.

Commissioner Moore understood permits had never been issued because the property had deteriorated beyond 50% of its value, so it was no longer a legal, non-conforming use. Mr. Smith agreed that in order to keep it as a residence, a variance would be necessary. Commissioner Moore understood the owner had not applied for a variance. Mr. Smith agreed that was correct. He stated that the owner had submitted an application for a demolition permit, but it had been incomplete. Although the owner had been informed about what information was necessary, the application had never been resubmitted.

Commissioner Moore asked if a 90-day notice of demolition had been provided. Mr. Smith replied that had not occurred. He thought the owner was confused about the process in that the permit application was only good for 60 days. The 90 and 180 days related to after a permit was issued to ensure continuous work. Mr. Smith reviewed the paperwork the owner had with him and explained it was a permit for a sewer cap, but no inspection had ever been requested within the 90 or 180 days. He explained that sewers had to be capped before demolition.

Mayor Naugle thought staff should ensure that this had been handled properly. He requested that Mr. Smith meet with Mr. Powell to ensure procedures were followed and, if not, to propose some sort of a settlement. However, the taxpayers' money for the demolition work had to be recovered if things had been done correctly.

Mr. Powell said he had submitted a plan to the City, but he had never received an acknowledgement. This had occurred before he had received notice of the demolition. He had also received a letter from the City and had addressed the corrections. Mr. Powell wished to meet with Mr. Smith to demonstrate that he had been denied due process resulting in costs he could not afford.

Commissioner Smith explained that the burden was on property owners. If someone owned a substandard building that was falling apart, it took a toll on the neighborhood. He stated that the burden was on the owner because this affected the whole City, and he suspected that this building was one of those boarded, substandard buildings. Commissioner Smith wanted to send a message to property owners that if they wanted to rehabilitate their properties, they should move forward quickly because the City was not going to allow a lot of time when these things affected other properties in the area.

Ms. Lori Milano, Community Inspections Bureau, stated that staff had provided all the factual data to Mr. Powell in an effort to resolve the issue. She had a complete history of the property, and the City Attorney's Office had reviewed the record and concurred that the appropriate process was followed. Ms. Milano reported that this case had actually been presented twice to the Unsafe Structures and Housing Appeals Board. It had been continued the first time with two stipulations, but the owner had not complied with those stipulations. Therefore, the building had been slated for demolition at the second Board meeting. In January, the Commission approved the demolition, and the owner had applied for a demolition permit. However, the permit had been voided when the owner had not followed through, and the City had demolished the building at a cost of about \$3,700.

Mayor Naugle pointed out that the taxpayers were out that \$3,700. The City Attorney said he was satisfied that staff had followed all the proper procedures. Mayor Naugle advised Mr. Powell that he might want to seek legal advice as to how to proceed. Mr. Powell said he would be happy to meet with staff as he had been advised that the process had been wrong.

#### **Amend Chapter 25 –**

#### **“Streets and Sidewalks” – Cable Television Systems –**

#### **Compliance with Florida Communications Services Tax Simplification Law ..... (O-1)**

An ordinance was presented amending Article X entitled “Cable Television Systems,” of Chapter 25 of the Code of Ordinances to provide for amendments necessary for compliance with the Florida Communications Services Tax Simplification Law. Ordinance No. C-01-38 was published August 26, 2001, and passed on first reading September 5, 2001 by a vote of 4-0. On September 20, 2001, second reading was deferred to October 2, 2001 by a vote of 5-0.

**Motion** made by Commissioner Smith and seconded by Commissioner Moore to defer second reading to October 16, 2001 at 6:00 p.m. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

**Amendment to the Pay Plan -**

**Pay Range Amounts for Schedules I and II (Nonbargaining Unit Employees) ..... (O-2)**

An ordinance was presented amending the pay plan of the City to modify the schedules for pay range amounts for supervisory, professional, managerial and confidential employees. Ordinance No. C-01-43 was published September 10, 2001, and passed on first reading September 20, 2001 by a vote of 5-0. (Also see Item O-3 on this Agenda)

**Motion** made by Commissioner Smith and seconded by Commissioner Moore to defer second reading to October 16, 2001 at 6:00 p.m. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

**Amendment to the Pay Plan ..... (O-3)**

An ordinance was presented amending the pay plan of the City to create new classes, pay ranges and management categories, and adjust pay ranges and management categories. Ordinance No. C-01-44 was published September 10, 2001, and passed on first reading September 20, 2001 by a vote of 4-1 (Moore). (Also see Item O-2 on this Agenda)

Commissioner Smith introduced the following ordinance on second reading:

**ORDINANCE NO. C-01-44**

**AN ORDINANCE AMENDING THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA BY CREATING NEW CLASSES, PAY RANGES AND MANAGEMENT CATEGORIES AND ADJUSTING PAY RANGES AND MANAGEMENT CATEGORIES.**

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Hutchinson, and Mayor Naugle. NAYS: Commissioner Moore.

**Amend Ordinance No. C-97-21 –**

**Broward County Homeless Assistance Center – Amendment to Day Care and Change of Submittal Date for Annual Report (PZ Case No. 34-R-97) ..... (O-4)**

At the Planning and Zoning Regular meeting on August 15, 2001 it was recommended by a vote of 7 to 0 that the following application be approved. Ordinance No. C-01-45 was published on September 10, 2001, and passed on first reading September 20, 2001 by a vote of 5 to 0.

Applicant: Broward County  
Request: Amendment to day care/change of submittal date for annual report  
Location: Broward County Homeless Assistance Center, 920 N.W. 7 Avenue

Commissioner Smith advised that he had spoken to Fran Esposito, of the Homeless Assistance Center, about this item, as well as Ezra Kreig and Lorraine Saunders. Commissioner Hutchinson spoke with Fran Esposito and Horace McHugh in this regard. Commissioner Moore reported that he had attended a public meeting and received a phone call about this item.

Commissioner Smith introduced the following ordinance on second reading:

ORDINANCE NO. C-01-45

AN ORDINANCE AMENDING ORDINANCE NO. C-97-21 APPROVING THE USE OF PROPERTY AND A SITE PLAN FOR A HOMELESS ASSISTANCE CENTER LOCATED AT 600 WEST SUNRISE BOULEVARD, IN FORT LAUDERDALE, FLORIDA PURSUANT TO SECTION 47-18.26 TO REVISE CONDITIONS TO PERMIT CHILD DAY CARE TO BE PROVIDED TO CHILDREN IN OTHER PROGRAMS AND TO CHANGE THE TIME FOR SUBMITTING AN ANNUAL REPORT.

---

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

**Amendment to Chapter 20 – General Employees Retirement System – Deferred Retirement Option Plan (DROP) ..... (O-5)**

An ordinance was presented amending Sections 20-107, 20-110, 20-112 and creating a new subsection 20-110(a) of the City's General Employees Retirement System, to create a DROP with a maximum participation period of 36 months commencing with the employee's normal retirement date. Notice of the proposed ordinance will be published on October 6, 2001.

Commissioner Smith introduced the following ordinance on first reading:

ORDINANCE NO. C-01-47

AN ORDINANCE CREATING A NEW SUBSECTION 20-110(a.1) AND AMENDING SECTIONS 20-107, 20-110, AND 20-112 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE RESPECTING THE GENERAL EMPLOYEES' RETIREMENT SYSTEM BY PROVIDING NEW DEFINITIONAL TERMS AND REVISING EXISTING DEFINITIONAL TERMS; CREATING A NEW DEFERRED RETIREMENT OPTION PROGRAM ("DROP"), DROP RETIREMENT AND DROP ACCOUNT PROVIDING FOR THE RECEIPT OF NORMAL MONTHLY RETIREMENT BENEFITS TO BE DEFERRED AND TRANSFERRED INTO A DROP ACCOUNT DURING THE DROP PERIOD AND FURTHER PROVIDING ADDITIONAL TERMS AND CONDITIONS THEREFOR; PROVIDING FOR TERMINATION OF DROP UPON THE OCCURRENCE OF CERTAIN EVENTS AND ESTABLISHING CONDITIONS RELATING TO THE STATUS OF THE DROP ACCOUNTS, DROP RETIREMENT AND ACCRUAL OF SERVICE; PROVIDING FOR DURATION AND SURVIVOR BENEFITS AS TO THE DROP ACCOUNT UPON THE DEATH OF A MEMBER IN DROP RETIREMENT; PROVIDING FOR CESSATION OF EMPLOYEE CONTRIBUTIONS DURING DROP PERIOD; PROVIDING FOR EFFECTIVE DATE.

---

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

**Maintenance Memorandum of Agreement –  
Florida Department of Transportation (FDOT) – Landscaping  
Improvements on the Northeast Corner of East Las Olas  
Boulevard at Plaza Las Olas ..... (R-1)**

A resolution was presented authorizing the proper City officials to execute a Maintenance Memorandum of Agreement with FDOT for landscaping improvements on East Las Olas Boulevard at Plaza Las Olas.

Commissioner Smith wished to thank Derek Anastasia, President of Seven Isles, who had worked hard with the FDOT in this regard.

Commissioner Smith introduced a written resolution entitled:

**RESOLUTION NO. 01-176**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION, PROVIDING THAT THE CITY WILL MAINTAIN THE NORTHWEST AND SOUTHWEST QUADRANTS AT THE INTRACOASTAL BRIDGE AND LAS OLAS BOULEVARD.**

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

**Intent to Lease Public Property –  
Fort Lauderdale Historical Society, Inc. – Historic District Properties ..... (R-2)**

A resolution was presented declaring the City's intent, pursuant to Section 8.13 of the City Charter, to lease certain public property located in the City's Historic District to the Fort Lauderdale Historical Society, Inc.; and further scheduling a public hearing for November 6, 2001 at 6:00 p.m.

Commissioner Smith introduced a written resolution entitled:

**RESOLUTION NO. 01-177**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING THE INTENTION OF THE CITY COMMISSION, PURSUANT TO SECTION 8.13 OF THE CITY CHARTER, TO LEASE TO THE FORT LAUDERDALE HISTORICAL SOCIETY, INC. CERTAIN PROPERTIES LOCATED IN THE CITY'S HISTORIC PRESERVATION DISTRICT, AND SETTING A PUBLIC HEARING THEREON FOR NOVEMBER 6, 2001.**

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.



**Plat Approval – “Home Depot-Fort Lauderdale”**

**Plat - Home Depot USA, Inc. (PZ Case No. 33-P-00) ..... (R-3)**

At the August 15, 2001 Planning and Zoning Board regular meeting, the following application was approved by a vote of 5 to 2. (Also see Item PH-1 on this Agenda)

Applicant: Home Depot USA, Inc.  
Request: Plat approval  
Location: North of East Sunrise Boulevard and south of N.E. 11 Street, between  
N.E. 4 Avenue and N.E. 5 Terrace

Commissioner Smith announced that he had spoken to Ken Bay and the rest of the Home Depot Team, including Robert Lochrie, and Dennis Mele. Commissioner Hutchinson had also spoken with Robert Lochrie and Ken Bay. Mayor Naugle had as well. Commissioner Moore had spoken with Robert Lochrie and the gentleman from Home Depot.

Having affirmed to speak only the truth by virtue of an oath administered by the City Clerk, the following individual(s) offered comment on this item:

*Mr. Robert Lochrie* stated that the site plan and the rezoning issue would be presented to the City Commission. He noted that he had also tried to schedule a meeting with Commissioner Moore, but there had been scheduling conflicts. Nevertheless, a meeting had been scheduled in a few weeks prior to presentation of the site plan and rezoning request.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 01-178

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA APPROVING A PLAT KNOWN AS “HOME DEPOT-FORT LAUDERDALE”.

---

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

**Plat Approval – “Conway Industrial Parcel” Plat -**

**William C. and Eleanor Conway (PZ Case No. 21-P-01) ..... (R-4)**

At the August 15, 2001 Planning and Zoning Board regular meeting, the following application was approved by a vote of 7-0.

Applicant: William C. and Eleanor Conway  
Request: Plat approval  
Location: East side of Powerline Road, between Commercial Boulevard and Cypress Creek Road (N.W. 62 Street)

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 01-179

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT  
LAUDERDALE, FLORIDA APPROVING A PLAT KNOWN AS "CONWAY  
INDUSTRIAL PARCEL".

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

**Project 9295 – N.W. 7<sup>th</sup>/9<sup>th</sup> Avenue Connector –  
Project Development and Environment (PD&E) Study -  
Selection of Preferred Alternative (Alternative "D",  
Four-Lane, East Alignment)..... (R-5)**

A resolution was presented approving Alternative "D" (four-lane, east alignment) as the preferred alternative for the N.W. 7<sup>th</sup>/9<sup>th</sup> Avenue Connector PD&E Study. (Also see Item I-B on the Conference Agenda)

Commissioner Katz asked if the City portion of this money had been identified and set aside. The City Manager stated that there was a City contribution. Mr. Greg Kisela, Assistant City Manager, advised that the City was to contribute \$500,000 for design, and it had not all been set aside yet. However, it would reach the Commission along with the Capital Improvements Program (CIP).

Commissioner Moore understood the City's contribution toward the project amounted to about 12.5%. Mr. Dennis Girisgen, Engineering Division, stated that 75% of the money would come from the federal government; 12.5% would come from the State, and 12.5% would be shared by the County and the City. He advised that \$500,000 was contained in the CIP for the next phase of the design. Mr. Kisela noted that this was a \$42 million project, so the City's share would amount to about \$2.5 million.

Mayor Naugle thought this might be eligible for tax increment financing. The City Manager said that was part of a complicated situation dealing with the amount of right-of-way that would have to be taken under the different scenarios. He advised that there had been ongoing discussions with the CRA Director, who was pleased with the Commission's decision to go with the four-lane alignment because it would reduce the amount that would come off the TIF account. The City Manager believed there would be opportunities to explore funding sources over the next couple of years.

Mayor Naugle reiterated his question about whether or not this would be TIF-eligible. The City Manager thought it was a possibility, although he did not believe that would be the best use of TIF funds. Commissioner Katz understood the \$500,000 for design had been budgeted. Mr. Kisela clarified it would be contained in the proposed CIP, which would be presented to the Commission at the next meeting.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 01-180

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING ALTERNATIVE "D" OF THE PROJECT DEVELOPMENT AND ENVIRONMENT STUDY AS THE PREFERRED ALTERNATIVE FOR THE NORTHWEST 7/9 AVENUE CONNECTOR PROJECT; AND ENCOURAGING THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY TO SUPPORT THIS PREFERRED ALTERNATIVE.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

**Building Board-Up and Securing Charges ..... (R-6)**

A resolution was presented authorizing the proper City officials to impose liens against certain properties for costs associated with boarding and securing the buildings located thereon.

Commissioner Smith asked if the first three properties involved in this item were Kratenstein mortgage fraud case. Ms. Lori Milano, Community Inspections Bureau, was uncertain.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 01-181

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CHARGING AND ASSESSING AGAINST THE PROPERTIES DESCRIBED IN THE SCHEDULE ATTACHED HERETO THE COST AND EXPENSE OF SECURING AND BOARDING UP BUILDINGS LOCATED THEREON WHICH WERE FOUND UNSAFE UNDER SECTION 202 OF THE SOUTH FLORIDA BUILDING CODE AND IMPOSING LIENS AGAINST SUCH PROPERTIES; AUTHORIZING AND DIRECTING THE PROPER CITY OFFICIALS TO RECORD CLAIMS OF LIEN AGAINST THE PROPERTIES IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

**Demolition of Buildings ..... (R-7)**

At its October 19, 2000 and/or August 16, 2001 meetings, the Unsafe Structures and Housing Appeals Board recommended that the City demolish the following buildings and assess the properties with associated costs.

1. 2324 N.W. 6 Place
2. 2500 West Broward Boulevard (guard shack)
3. 2500 West Broward Boulevard (Site No. 513)
4. 2805 S.W. 2 Avenue

Mayor Naugle announced that the property at 2805 Southwest 2<sup>nd</sup> Avenue had been deleted from the list of affected properties as the building had already been demolished by the owner.

Ms. Lori Milano, Community Inspections Bureau, wished to provide an update as to the property at 2324 Northwest 6<sup>th</sup> Place. She had expected the owner, Ms. Kidd, to be present and had a discussion with her this afternoon. Ms. Milano stated that staff had met with Ms. Kidd, and she qualified for the City's Infill Housing Program to build a home on the site. The owner had requested 90 days to obtain a demolition permit herself. At present, the building was occupied, so Ms. Milano suggested that this demolition be delayed for 90 days. If the owner failed to obtain the demolition permit within that time frame, the City would carry out the work.

**Motion** made by Commissioner Moore and seconded by Commissioner Smith to delay the demolition at 2324 Northwest 6<sup>th</sup> Place for 90 days as discussed. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

Mr. Mark Hanson, President of the Sunset Colony Tenants' Association, felt the mobile home on Site #518 at 2400 West Broward Boulevard should be demolished and the lessors punished. He hoped the City would stop allowing delays in bringing this property into compliance.

Commissioner Moore wished to meet with Mr. Hanson. He was concerned that the owners of the mobile home park might be interested in using the Code enforcement process to get out of the mobile home park business.

Commissioner Moore introduced a written resolution, as amended, entitled:

#### RESOLUTION NO. 01-182

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ORDERING THE DEMOLITION OF THE BUILDING OR BUILDINGS UPON EACH PROPERTY LEGALLY DESCRIBED IN THE ATTACHED SCHEDULE "A," BECAUSE OF NON-COMPLIANCE WITH THE SOUTH FLORIDA BUILDING CODE.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

#### **Appeal of Planning and Zoning Board Decision**

**Denying Right-of-Way Vacations – Portions of S.E. 2 Avenue, S.E. 1 Avenue, S.W. 7 Street, S.E. 6 Court, and S.E. 3 Avenue – E. Fredrico Fazio (PZ Case Nos. 14-P-01, 15-P-01, 17-P-01, 19-P-01 and 20-P-01)**

..... (R-8)

At the Planning and Zoning regular meeting of August 15, 2001, the following application was **denied** by a vote of 1 to 6. Notice of the public hearing was published on September 20 and 27, 2001.

Applicant::	E. Fredrico Fazio
Request:	Vacate rights-of-way

Ms. Angela Csinsi, Planner I, stated that the referenced cases had been reviewed at the DRC meeting on May 8, 2001. The Planning & Zoning Board had then considered the cases in August, which had denied the application, and the applicant had appealed that decision. She noted that the minutes from the Planning & Zoning Board hearing had been distributed.

*Mr. Fred Fazio*, applicant, advised that the City basically had 60 months to decide what to do with the subject land or it should be returned to the property owner under Florida Statutes, but 120 months had passed. In addition, the Planning & Zoning Board had not followed the essential requirements of law, and its decision had been based on the fact that the Board felt the vacation would encourage a "canyon" effect in the area rather than whether or not the City had any future need for the right-of-way. Further, he did not feel there had been competent evidence to support the decision because the City Engineering staff testified that the right-of-way was not needed and that the City had no future plans for the right-of-way. Mr. Fazio felt any one of those three reasons justified an appeal before the City Commission.

Mr. Fazio said he wanted the same rights as the owners of the property next door. He stated that there was one property on 7<sup>th</sup> Street on which he was trying to construct villas, which was being considered by the DRC next week. Mr. Fazio wondered if the 7<sup>th</sup> Street vacation could be heard on October 16, 2001 with the rest heard on November 7, 2001 because he would not be in town on October 16, 2001 but needed to move forward with it.

Commissioner Hutchinson agreed there had been a lack of competent substantial evidence. She did not know how a differentiation had been made between the vacation on 7<sup>th</sup> Street and the other vacations. The City Attorney believed this could be set for October 16, 2001, and the Commission could decide to defer all but the 7<sup>th</sup> Street vacation to November 6, 2001 if they wished.

Commissioner Katz did not feel there had been any departure from law on the part of the Planning & Zoning Board. Although the Engineering Division had indicated there was no problem, the Planning Division had indicated there was. Commissioner Hutchinson reiterated that she felt there had been a lack of competent substantial evidence rather than a departure from the law.

Commissioner Smith thought Mr. Fazio had some exciting plans for some low-intensity downtown housing. He wanted an opportunity to review it, although the applicant still might have to dedicate a lot of right-of-way for future use. Commissioner Smith wanted to encourage this type of housing in the downtown area.

Mr. Fazio noted that he had met with Tom Gustafson, who had assured him there were no future plans for this right-of-way. Even if a light rail system was ever provided on 7<sup>th</sup> Street, Mr. Gustafson had indicated there was plenty of room with the 50' right-of-way. Commissioner Katz noted that Mr. Gustafson was not the only party interested in mass transit opportunities.

Mayor Naugle noted that there had been a request from some judges to close Southeast 6<sup>th</sup> Street. He asked that staff examine that issue and provide a report on October 16, 2001 in case any of these vacations would be affected by that matter.

Commissioner Hutchinson introduced a written resolution entitled:

RESOLUTION NO. 01-183

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, REGARDING THE APPEAL OF THE PLANNING AND ZONING BOARD'S ACTION DENYING THE VACATION OF RIGHTS-OF-WAY ON PORTIONS OF S.E. 2<sup>ND</sup> AVENUE, S.E. 1<sup>ST</sup> AVENUE, S.E./S.W. 7<sup>TH</sup> STREET, S.E. 6<sup>TH</sup> COURT AND S.E. 3<sup>RD</sup> AVENUE, MAKING CERTAIN FINDINGS AND SETTING A PUBLIC HEARING TO CONSIDER THE APPEAL BEFORE THE CITY COMMISSION AT 6:00 P.M. ON OCTOBER 16, 2001.

Which resolution was read by title only. . Roll call showed: YEAS: Commissioners Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: Commissioner Katz.

**Appeal of Planning and Zoning Board Decision  
Denying Right-of-Way Vacations – Portions of S.E. 5 Avenue  
and S.E. 5 Terrace – William R. Scherer (PZ Case Nos. 12-P-01 and 13-P-01)..... (R-9)**

At the Planning and Zoning regular meeting of August 15, 2001, the following application was **denied** by a vote of 1 to 6. Notice of the public hearing was published on September 20 and 27, 2001.

Applicant:: William R. Scherer  
Request: Vacate rights-of-way

Ms. Angela Csinsi, Planner I, stated that the referenced cases had been reviewed at the DRC meeting on May 8, 2001. The Planning & Zoning Board had then considered the cases in August, which had denied the application, and the applicant had appealed that decision. She noted that the minutes from the Planning & Zoning Board hearing had been distributed.

*Mr. Fred Fazio*, applicant, explained that Mr. Millege was on vacation, and all this had happened because property had been platted, and 10' was being taken from all around every edge instead of 5'. He stated that Mr. Millege was trying to do the same thing he was trying to do.

Commissioner Smith was prepared to uphold the Board's decision since the applicant was not present. Mr. Fazio advised that he was here on behalf of the applicant, although he was not his Attorney but they had the same interest.

**Motion** made by Commissioner Smith and seconded by Commissioner Katz to uphold the decision of the Planning & Zoning Board. Roll call showed: YEAS: Commissioners Katz, Smith and Hutchinson. NAYS: Commissioner Moore and Mayor Naugle.

**Advisory Board Appointments ..... (OB)**

The City Clerk announced the appointees/reappointees who were the subjects of this resolution:

Community Appearance Board

Dan Remy

Marine Advisory Board

John E. Naclerio, III

Parks, Recreation and Beaches Advisory Board

Alan MacLeod  
Rosalind Osgood

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 01-184

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT  
LAUDERDALE, FLORIDA, APPOINTING BOARD MEMBERS AS SET FORTH  
IN THE EXHIBIT ATTACHED HERETO AND MADE A PART HEREOF.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, Hutchinson, and Mayor Naugle. NAYS: none.

At 10:02 P.M., Mayor Naugle adjourned the meeting.

---

Jim Naugle  
Mayor

ATTEST:

---

Lucy Masliah  
City Clerk